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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,804	05/31/2001	Robert Kersch	4100-262	1276

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EXAMINER	
COLILLA, DANIEL JAMES	
ART UNIT	**PAPER NUMBER**
2854	

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/870,804	KERSCH, ROBERT	
	Examiner	Art Unit	
	Dan Colilla	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-7 and 9-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-7 and 9-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "jerking stop" as used in claims 1 and 7.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 5-7 and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz et al. in view of Perretta and Hammond et al.

With respect to claims 1, 7 and 12, Goetz et al. discloses an apparatus and method for printing but does not teach an apparatus or method of preventing machine damage and braking motors in order to stop cylinders. Goetz et al. discloses a printing machine including a plurality of cylinders D1-D4 which roll upon each other and are each attached to a motor F,G. The cylinders D1-D4 must be synchronized to drive at the same speed in order for the printing machine to operate properly. Additionally, Goetz et al. discloses that high control dynamics for precise and constant control are provided (Goetz et al., last line of first English abstract), thus a controller is inherent in the system. Perretta teaches an apparatus and method of preventing

machine damage which includes the steps of detecting a web break with detectors 44 and 46 (Perretta, col. 4, lines 44-52) and braking the motors F,G to standstill upon detection of a web break (Perretta, col. 4, lines 52-60). It would have been obvious to combine the teaching of Perretta with the printing method disclosed by Goetz et al. for the advantage of preventing machine damage upon early detection of a web break. While Perretta does not teach braking the motors directly to stop the cylinder rotation, Hammond et al. teaches simultaneously applying a reverse braking torque (see line 1 of the abstract) by providing two different frequencies to the motor, when braking is desired, resulting in motor/load inertia being dissipated in the motor itself by using its own energy to brake the motor. It would have been obvious to combine the braking control taught by Perretta with the method of applying reverse braking torque taught by Hammond et al. for the advantage of high torque braking without the use of costly semiconductor devices or the need for braking resistors (Hammond et al., col. 2, lines 25-38).

With respect to claims 2-3, 14-15 and 17, while Perretta does not teach an exact amount of revolutions a motor turns before stopping, it is noted that Perretta does teach stopping the motors of the printing machine to thereby limit the wrap of a web around a cylinder to about half the circumference of the cylinder (Perretta, col. 2, lines 12-17). One of ordinary skill in the art would recognize the need to stop the motors F,G as quickly as possible. The optimal number of revolutions of the drive motors could have readily been determined by one of ordinary skill in the art through routine experimentation.

With respect to claim 5, Figure 6 of Perretta teaches that the cylinders remain in a print-on position when the web breaks and the motors are braking.

With respect to claims 6 and 10, the motor taught by Hammond et al. is an induction motor (Hammond et al., col. 5, lines 17-25).

With respect to claim 11, Goetz et al. discloses a controller for stopping the motors as mentioned above.

With respect to claims 13 and 16, one of ordinary skill in the art would realize that in order to stop the printing machine all the motors should be stopped in order to avoid damage of the machine.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz et al. in view of Perretta and Hammond et al. as applied to claims 1-3, 5-7 and 10-17 above, and further in view of Marozzi et al.

Goetz et al. in view of Perretta and Hammond et al. discloses the claimed apparatus except for the built-up hollow cylinder. However, Marozzi et al. teaches a print cylinder that is hollow in many areas. It would have been obvious to combine the teaching of Marozzi et al. with the apparatus disclosed by Goetz et al. in view of Perretta and Hammond et al. for the advantage of a lower weight cylinder which would require less power to drive.

Response to Arguments

5. Applicant's arguments filed 9/22/03 have been fully considered but they are not persuasive of any error in the above rejection.

With respect to claim 1 which now includes the limitations of cancelled claim 4, Hammond et al. does teach braking a motor by applying a reverse torque as stated in the first sentence of the abstract of Hammond et al.

While applicant has not amended claim 7 in the amendment filed on 9/22/03, it is recognized that Perretta does not teach a control device which brakes the motors. Therefore, claim 7 and any applicable dependent claims have been rejected along with claim 1. Since this rejection is not due to an amendment filed by applicant, this action is made non-final.

With respect to applicant's term, "jerking stop." As mentioned above (an in the previous Office action) this term is not used in the specification and therefore does not appear to have any clear meaning other than, "quickly stopped."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (703) 308-2259. The examiner can normally be reached M-F, 8:30-5:30. Faxes regarding this application can be sent to (703) 872 - 9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (703)305-6619. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Dan Colilla
Primary Examiner
Art Unit 2854

December 8, 2003